

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

EMRYS JULIAN ALEXANDER,

3:11-CV-00102-ST

Plaintiff,

ORDER

v.

JEFFREY DORN; ROSEANNE SIZER;  
PORTLAND POLICE BUREAU; CITY  
OF PORTLAND; and 1 to 10  
UNKNOWN DEFENDANTS TO BE  
DETERMINED THROUGH DISCOVERY,  
in their individual and  
professional capacities,

Defendants.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#22) on July 18, 2011, in which she recommended the Court deny Defendants' Motion (#10) to Dismiss, grant Defendants' alternative Motion (#10) for Summary Judgment, and

enter judgment in favor of Defendants. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Plaintiff mainly reiterates the arguments contained in his Response to Defendants' Motions to Dismiss and for Summary Judgment. Plaintiff, however, asserts for the first time in his Objections that the Court should not dismiss Plaintiff's claims because he has not identified the Doe Defendants. Plaintiff's Complaint, however, does not contain any allegations specifically directed at the unnamed Defendants or any factual basis for any claims against the unnamed Defendants. In addition, Plaintiff fails to point to any reason why he has not been able to determine the identities of the unnamed Defendants or to assert specific factual allegations against those Defendants in the three and one-half years since Plaintiff suffered the injuries that underlie the claims in his Complaint. This Court has carefully considered Plaintiff's Objections and


concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#22), **DENIES** Defendants' Motion (#10) to Dismiss, **GRANTS** Defendants' Alternative Motion (#10) for Summary Judgment, and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of October, 2011.



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ANNA J. BROWN  
United States District Judge